

APPENDIX B
TIME REQUIREMENTS
IN
CHILD PROTECTIVE PROCEEDINGS

| Type of Proceeding | Time Requirements | Authority |
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| Reporting Suspected Abuse or Neglect | Oral report must be made immediately. Written report must be filed with the FIA within 72 hours of the oral report. | MCL 722.623(1)(a) |
| Investigating Suspected Abuse or Neglect | Report must be referred to the appropriate agency and/or an investigation must be commenced within 24 hours. | MCL 722.628(1) |
| Mandatory Petitions in Cases of Severe Physical or Sexual Abuse | FIA must file petition within 24 hours after determining that child was severely physically injured or sexually abused. | MCL 722.637 |
| Preliminary Inquiries | May be conducted at any time. | MCR 3.962(A) |
| Preliminary Hearings | Hearing must commence within 24 hours after child is taken into protective custody, excluding Sundays and holidays, unless adjourned for good cause shown, or child must be released. If a mandatory petition was filed alleging severe physical or sexual abuse, a hearing must be held within 24 hours of the filing, or on the next business day after the filing. | MCR 3.965(A)(1) MCR 3.965(A)(2) and MCL 712A.13a(2) |
| Identification of Appropriate Relative Placement | The supervising agency must identify, locate, and consult with the child's relatives within 30 days of the child's removal to determine appropriate placement. Within 90 days of removal, the supervising agency must make and document in writing its placement decision and provide written notice of the decision to the lawyer-guardian ad litem, guardian, guardian ad litem, mother, father, the attorneys for the mother and father, each relative who expresses an interest in caring for the child, the child if he or she is old enough to express an opinion regarding placement, and the prosecuting attorney. | MCL 722.954a(2) MCL 722.954a(2)(a)–(b) |
| Determination of Reasonable Efforts to Prevent Child's Removal | Court must make determination no later than 60 days after the date of removal. Nunc pro tunc orders or affidavits are unacceptable. | MCR 3.965(D)(1) |

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| Initial Service Plan, Criminal Record Check, Central Registry Clearance, and Home Study | <p>The agency must complete an initial service plan within 30 days of placement.</p> <p>If the child is placed in a relative's home, the FIA must conduct a criminal record check and central registry clearance before or within seven days of placement, and the FIA must submit a home study to the court within 30 days of placement.</p> <p>The court may order FIA to report the results of a criminal record check and central registry clearance to the court before, or within seven days after, placement.</p> <p>The court must order FIA to submit a copy of the home study to the court within 30 days after placement.</p> | <p>MCR 3.965(E)(1) and MCL 712A.13a(8)(a)</p> <p>MCL 712A.13a(9)</p> <p>MCR 3.965(C)(4)(a)</p> <p>MCR 3.965(C)(4)(b)</p> |
| Review of Placement Order and Initial Service Plan | <p>Court must review custody order, placement order, or initial service plan when a motion is filed by a party.</p> | <p>MCR 3.966(A)</p> |
| Review of Supervising Agency's Initial Placement Determination | <p>Persons notified of the initial placement decision may request written documentation of the determination within five days of the notice.</p> <p>A L-GAL may petition the court for review within 14 days after the date of the written placement decision, and a review hearing on the record must commence within seven days after the petition is filed.</p> | <p>MCR 3.966(B)(1)(d) and MCL 722.954a(3)</p> <p>MCR 3.966(B)(2)–(3) and MCL 722.954a(3)</p> |

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| Reviews of Change of Child's Placement in Foster Care | <p>Unless the foster parent requests or agrees to the change in placement, or unless the court orders the child returned home, change in placement must occur less than 30 days after the child's initial removal from home, or less than 90 days if the new placement is with a relative. The agency may change a child's foster care placement at any time the agency has reasonable cause to suspect sexual abuse, nonaccidental physical injury, or substantial risk of harm to the child's emotional well-being.</p> <p>Foster parents may appeal to the Foster Care Review Board within three days of notice of the intended move or removal, and the FCRB must investigate and report to the foster parents, parents, and court or MCI superintendent within three days after receipt of the appeal.</p> <p>If necessary, the court must hold a hearing no sooner than seven or later than 14 days after notice from the FCRB. If the child is under the jurisdiction, control, or supervision of MCI, the MCI superintendent must make a decision regarding the child's placement within 14 days after notice from the FCRB.</p> | <p>MCL 712A.13b(1)(b) and MCL 712A.13b(7)</p> <p>MCL 712A.13b(2)(b) and (3)</p> <p>MCR 3.966(C)(2)(a) and MCL 712A.13b(5)</p> |
| Demand for Jury Trial | <p>Written demand for jury trial shall be filed within 14 days after court gives notice of the right to jury trial or 14 days after appearance by an attorney or lawyer-guardian ad litem, whichever is later, but no later than 21 days before trial. The court may excuse a late filing in the interest of justice.</p> | <p>MCR 3.911(B)</p> |
| Demand for Trial by Judge (Rather Than Referee) | <p>Written demand for trial by judge rather than referee shall be filed within 14 days after court gives notice of the right to trial by a judge or 14 days after appearance by an attorney or lawyer-guardian ad litem, whichever is later, but no later than 21 days before trial. The court may excuse a late filing in the interest of justice.</p> | <p>MCR 3.912(B)</p> |
| Motions to Suppress Evidence | <p>Personal service of motion must be made at least seven days before hearing, and of the response at least three days before hearing. If service is by mail, add two days to these deadlines. For good cause, court may set different periods for filing and serving motions.</p> | <p>MCR 3.922(C), 3.920(C)(1), and 2.119(C)</p> |

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| Notice of Intent to Use Alternative Procedures to Obtain Testimony or to Admit Hearsay Statements under MCR 3.972(C)(2) | Within 21 days after notice of trial date, but no later than seven days before trial, proponent must file with the court and serve all parties written notice of intent to use alternative procedures or admit hearsay statements. | MCR 3.922(E)(1) |
| | Within seven days after receipt of notice, but no later than two days before trial, nonproponent parties must provide written notice to court of intent to offer rebuttal testimony or evidence in opposition to the proponent's request and identify any witnesses to be called. | MCR 3.922(E)(2) |
| | The court may shorten these time periods for good cause shown. | MCR 3.922(E)(3) |
| Trials | If the child is not in placement, trial must be held within six months after the filing of the petition unless adjourned for good cause. If the child is in placement, trial must commence as soon as possible but no later than 63 days after the child is placed by the court unless the trial is postponed on stipulation of the parties, because process cannot be completed, or because the court finds that the testimony of a witness presently unavailable is needed. | MCR 3.972(A) |
| Rehearings or Motions for New Trial | Written motion must be filed within 21 days after the date of the order resulting from the hearing or trial. Court may entertain untimely motion for good cause shown. Written response must be filed with the court and parties within seven days of motion. | MCR 3.992(A) and (C) |
| Case Service Plans | The agency must prepare a Case Service Plan before the court enters an order of disposition. The plan must be made available to the parties and court. | MCL 712A.18f(2) |
| | Foster parent must be given copies of all Initial Service Plans, updated service plans, revised service plans, court orders, and medical, educational, and mental health reports, including reports made prior to child's placement, within 10 days of a written request from the foster parent. | MCL 712A.13a(13) |
| | The Case Service Plan must be updated every 90 days as long as the child remains in placement. | MCL 712A.18f(5) |

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| Initial Dispositional Hearings | The interval between trial and disposition is discretionary with the court, but if the child is in placement, the interval may not be more than 35 days, except for good cause. | MCR 3.973(C) |
| Review of Referee's Recommended Findings and Conclusions | <p>Request for review must be filed within seven days after the inquiry or hearing or seven days after issuance of referees' recommendations, whichever is later, and served on interested parties, and a response may be filed within seven days after the filing of the request for review.</p> <p>Absent good cause for delay, the judge must consider the request within 21 days after it is filed if juvenile is in placement or detention.</p> | <p>MCR 3.991(B)(3), 3.991(B)(4), and 3.991(C)</p> <p>MCR 3.991(D)</p> |
| Dispositional Review Hearings When Child Is Placed in Foster Care | <p>The court must conduct review hearings no later than every 91 days after the original dispositional order as long as the child remains subject to the jurisdiction, control, or supervision of the court, Michigan Children's Institute, or other agency.</p> <p>At every review hearing, the court must decide whether it will accelerate the date for the next scheduled review hearing.</p> | <p>MCR 3.975(C)(1) and MCL 712A.19(3)</p> <p>MCR 3.973(B)(3) and MCL 712A.19(3)</p> |
| Dispositional Review Hearings When Child Is in Permanent Foster Family Agreement or Placement With Relative Is Intended to Be Permanent | <p>The court must hold review hearings not more than 182 days after the first permanency planning hearing and every 182 days thereafter.</p> <p>Upon motion of a party or the court, the court may accelerate the date for the next scheduled review hearing.</p> | <p>MCR 3.975(C)(2) and MCL 712A.19(4)</p> <p>MCL 712A.19(4)</p> |
| Progress Reviews for Children Remaining in Home | Court must review child's progress no later than 182 days after the initial dispositional order or 182 days after child returns home from foster care. | MCR 3.974(A)(2) |
| Emergency Removal Hearings | <p>Court must conduct hearing no later than 24 hours after child is taken into custody, excluding Sundays and holidays.</p> <p>If the child is in placement, a dispositional review hearing must be commenced no later than 14 days after placement, except for good cause shown.</p> | <p>MCR 3.974(B)(3)</p> <p>MCR 3.973(E)(4)</p> |

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| Permanency Planning Hearings | <p>If a court has found that the parent has subjected a child or sibling to abuse that includes one or more of the circumstances listed in MCL 712A.19a(2), or that the parent's rights to another child were terminated involuntarily, and the court determines that reasonable efforts to reunify the family are not required, the court must conduct a permanency planning hearing within 28 days after a petition has been adjudicated.</p> <p>Court must conduct permanency planning hearings no later than 364 days after an original petition is filed and, beginning one year after the original permanency planning hearing, every year thereafter during the continuation of foster care. The hearing must not be delayed for reasons such as the change or transfer of workers at the supervising agency.</p> <p>Supervising agency must strive to achieve a permanent placement within 12 months of removal.</p> <p>If child is not returned home following hearing, the agency must initiate termination proceedings within 42 days after the hearing, unless the court finds that initiating termination proceedings is clearly not in the child's best interests..</p> | <p>MCL 712A.19a(2) and MCR 3.976(B)</p> <p>MCR 3.976(B)(2)–(3) and MCL 712A.19a(1) and (3)</p> <p>MCL 722.954b(1)</p> <p>MCR 3.976(E)(2) and MCL 712A.19a(7)</p> |
| Hearings to Terminate Parental Rights (Children in Foster Care) | <p>If termination is not sought at the initial dispositional hearing, supplemental petition may be filed at any time after an initial dispositional review hearing, progress review, or permanency planning hearing. Court must conduct termination hearing within 42 days of filing of supplemental petition, but court may extend time for 21 days for good cause shown.</p> <p>If it does not issue a decision on the record, court must issue opinion and order within 70 days of the commencement of the initial hearing on termination of parental rights petition. Failure to issue opinion within 70 days does not dismiss petition, however.</p> | <p>MCR 3.977(G)(1)(a)–(b)</p> <p>MCR 3.977(H)(1) and MCL 712A.19b(1)</p> |

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| Post-Termination of Parental Rights Review Hearing | <p>Unless a child is placed in a permanent foster family agreement or in a placement with a relative intended to be permanent, court must conduct hearings at least every 91 days following termination of parental rights as long as the child remains subject to the jurisdiction, control, or supervision of the court, Michigan Children’s Institute, or other agency.</p> <p>Supervising agency must submit information to place the child in the adoption directory if an adoptive family is not identified within 90 days of the entry of the order terminating parental rights.</p> | <p>MCR 3.978(A) and MCL 712A.19c(1)–(2)</p> <p>MCL 722.954b(2)</p> |
| Appeals to Court of Appeals Following Termination of Parental Rights | <p>Request for appellate counsel must be made within 21 days after notice of the order terminating parental rights is given.</p> <p>Appeal of right must be filed within 21 days of entry of the order terminating parental rights, 21 days after entry of an order denying a timely postjudgment motion, or 21 days after entry of an order appointing or denying appointment of appellate counsel.</p> <p>Application for leave to appeal an order terminating parental rights may not be granted if filed more than 63 days after entry of an order of judgment on the merits or an order denying motion for reconsideration or rehearing.</p> | <p>MCR 3.977(I)(1)(c)</p> <p>MCR 3.993(A)(2) and MCR 7.204(A)(1)</p> <p>MCR 3.993(C)(2) and MCR 7.205(A)(5)</p> |